

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNETT HOLDINGS, INC. d/b/a TMC
TRANSPORTATION, INC. and
YELLOWSTONE TRUCKING, INC.,

Plaintiffs,
v.
CERTAIN UNDERWRITERS AT
LLOYDS AND THOSE COMPANIES
SEVERALLY SUBSCRIBING TO
BOEING POLICY NUMBER
509/JC487006, ET AL,

Defendants.

CASE NO: 1:08-cv-01106

**AFFIDAVIT IN SUPPORT OF
RESISTANCE TO
DEFENDANTS' MOTION TO
TRANSFER**

STATE OF IOWA)
)
) ss:
COUNTY OF POLK)

I, Bradley M. Beaman, of Bradshaw, Fowler, Proctor, and Fairgrave, do hereby depose and state:

1. I am one of the attorneys representing the Plaintiffs in this action, Annett Holdings, Inc. d/b/a TMC Transportation, Inc. and Yellowstone Trucking, Inc.
2. This affidavit is submitted in support of Plaintiffs' Resistance to Defendants' Motion to Transfer.
3. I undertook an investigation of the backgrounds of the insurance companies who were demanding mediation from the Plaintiffs, based on the information supplied by the attorney for those insurance companies.

EXHIBIT

A

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Iowa.

5. However, after investigating the Defendants, we learned that several were not licensed or admitted to do business in Iowa and thus likely were not subject to personal jurisdiction in that state.

6. According to my investigation (based on communications with the Illinois Division of Insurance), most of the Defendants are authorized to do business in the State of Illinois, including the following: Underwriters at Lloyds, RLI Insurance Company, Great American Insurance Company, Tokio Marine & Nichido Fire Insurance Company, Fireman's Fund Insurance Company, St. Paul Fire & Marine Insurance Company, Mitsui Sumitomo Insurance Company of America, XL Specialty Insurance Company, and Royal & Sun Alliance Insurance PLC.

7. Our investigation further revealed that, on information and belief, each of the Defendants had entered into their contracts of insurance with The Boeing Company in Chicago, Illinois. This was shown by several items, including (i) the Defendants' adjuster's report, attached to Plaintiffs' Resistance as Exhibit B, which identifies their assured as The Boeing Company in Chicago, Illinois and their assured's contact person as someone in Chicago, Illinois, and (ii) the proofs of loss submitted by the Defendants, also attached to Plaintiffs' Resistance as Exhibit B, each of which were submitted in Chicago, Illinois.

8. Our investigation also revealed that Defendant RLI Insurance Company is located in Peoria, Illinois, and that none of the other Defendants were found to reside in either Iowa or the State of Washington.

Insurance Company, LTD, and Zurich Global Corporate, UK LTD, who are foreign insurance companies, are not authorized to do and are not doing business in the State of Washington.

10. Based on our investigation, therefore, Plaintiffs chose to file this lawsuit in Illinois because it was the closest forum to their home state in which they believed they could obtain personal jurisdiction over all of the Defendants.

Further Affiant Sayeth Not.

Dated: April 17, 2008.



Bradley M. Beaman, Attorney

Subscribed and sworn to before me this 17th day of April, 2008.



SEAL

4/17/08
NOTARY PUBLIC